

No. 05-4579

**FILED**

AUG 07 2006

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

LEONARD GREEN, Clerk

HERSHEL SLAUGHTER, JR.,

Petitioner-Appellant,

v.

ANTHONY J. BRIGANO, Warden,

Respondent-Appellee.

ORDER

Hershel Slaughter, Jr., an Ohio prisoner proceeding pro se, moves for a certificate of appealability in this appeal from a district court order denying his petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. Slaughter has also filed a motion to proceed on appeal in forma pauperis.

The district court dismissed Slaughter's petition on both substantive and procedural grounds. Slaughter, therefore, must satisfy two burdens to obtain a certificate of appealability. First, he must demonstrate "that reasonable jurists would find the district court's assessment of the constitutional claims debatable or wrong." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000). Second, he must show "that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling." *Id.*

Slaughter failed to satisfy either burden. Accordingly, the court declines to issue a certificate of appealability. The motion to proceed on appeal in forma pauperis is denied as moot.

ENTERED BY ORDER OF THE COURT

Leonard Green  
Clerk

A TRUE COPY

Attest:  
LEONARD GREEN, ClerkBY John A. Bureau  
Deputy Clerk

LEONARD GREEN  
CLERK

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT  
100 EAST FIFTH STREET, ROOM 540  
POTTER STEWART U.S. COURTHOUSE  
CINCINNATI, OHIO 45202-3988

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Filed: August 7, 2006

Hershel Slaughter Jr.  
Warren Correctional Institution  
#363-213  
P.O. Box 120  
Lebanon, OH 45036

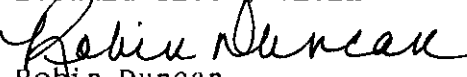
Diane Mallory  
Office of the Attorney General  
Corrections Litigation Section  
150 E. Gay Street  
16th Floor  
Columbus, OH 43215-6001

RE: 05-4579  
Slaughter vs. Brigano  
District Court No. 01-00868

Dear Sir/Madam,

Enclosed is a copy of an order which was entered today in the above-styled case.

Very truly yours,  
Leonard Green, Clerk

  
Robin Duncan  
Case Manager

Enclosure

Certified Copy to:  
Honorable S. Arthur Spiegel  
Mr. James Bonini

Mr. James Bonini, Clerk  
Southern District of Ohio at Cincinnati  
100 E. Fifth Street  
Suite 103 Potter Stewart U.S. Courthouse  
Cincinnati, OH 45202